

Senate File 61 - Enrolled

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SENATE FILE 61

AN ACT

RELATING TO THE ESTABLISHMENT OF STATE AND SCHOOL ANTIHARASSMENT
AND ANTIBULLYING POLICIES, PROVIDING DATA COLLECTION AND
REPORTING REQUIREMENTS, AND PROVIDING FOR IMMUNITY AND
OTHER RELATED MATTERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 280.12, subsection 2, Code 2007, is
amended by adding the following new paragraph:

NEW PARAGRAPH. f. Harassment or bullying prevention
goals, programs, training, and other initiatives.

Sec. 2. NEW SECTION. 280.28 HARASSMENT AND BULLYING
PROHIBITED == POLICY == IMMUNITY.

1. PURPOSE == FINDINGS == POLICY. The state of Iowa is
committed to providing all students with a safe and civil
school environment in which all members of the school
community are treated with dignity and respect. The general
assembly finds that a safe and civil school environment is
necessary for students to learn and achieve at high academic
levels. Harassing and bullying behavior can seriously disrupt
the ability of school employees to maintain a safe and civil
environment, and the ability of students to learn and succeed.
Therefore, it is the policy of the state of Iowa that school
employees, volunteers, and students in Iowa schools shall not
engage in harassing or bullying behavior.

2. DEFINITIONS. For purposes of this section, unless the
context otherwise requires:

a. "Electronic" means any communication involving the
transmission of information by wire, radio, optical cable,
electromagnetic, or other similar means. "Electronic"
includes but is not limited to communication via electronic
mail, internet-based communications, pager service, cell
phones, and electronic text messaging.

b. "Harassment" and "bullying" shall be construed to mean
any electronic, written, verbal, or physical act or conduct
toward a student which is based on any actual or perceived
trait or characteristic of the student and which creates an
objectively hostile school environment that meets one or more
of the following conditions:

(1) Places the student in reasonable fear of harm to the
student's person or property.

(2) Has a substantially detrimental effect on the
student's physical or mental health.

(3) Has the effect of substantially interfering with a
student's academic performance.

(4) Has the effect of substantially interfering with the
student's ability to participate in or benefit from the
services, activities, or privileges provided by a school.

c. "Trait or characteristic of the student" includes but
is not limited to age, color, creed, national origin, race,
religion, marital status, sex, sexual orientation, gender
identity, physical attributes, physical or mental ability or
disability, ancestry, political party preference, political
belief, socioeconomic status, or familial status.

d. "Volunteer" means an individual who has regular,
significant contact with students.

3. POLICY. On or before September 1, 2007, the board of
directors of a school district and the authorities in charge
of each accredited nonpublic school shall adopt a policy
declaring harassment and bullying in schools, on school
property, and at any school function, or school-sponsored
activity regardless of its location, in a manner consistent
with this section, as against state and school policy. The
board and the authorities shall make a copy of the policy
available to all school employees, volunteers, students, and
parents or guardians and shall take all appropriate steps to
bring the policy against harassment and bullying and the
responsibilities set forth in the policy to the attention of
school employees, volunteers, students, and parents or
guardians. Each policy shall, at a minimum, include all of

3 4 the following components:

3 5 a. A statement declaring harassment and bullying to be
3 6 against state and school policy. The statement shall include
3 7 but not be limited to the following provisions:

3 8 (1) School employees, volunteers, and students in school,
3 9 on school property, or at any school function or school=
3 10 sponsored activity shall not engage in harassing and bullying
3 11 behavior.

3 12 (2) School employees, volunteers, and students shall not
3 13 engage in reprisal, retaliation, or false accusation against a
3 14 victim, witness, or an individual who has reliable information
3 15 about such an act of harassment or bullying.

3 16 b. A definition of harassment and bullying as set forth in
3 17 this section.

3 18 c. A description of the type of behavior expected from
3 19 school employees, volunteers, parents or guardians, and
3 20 students relative to prevention measures, reporting, and
3 21 investigation of harassment or bullying.

3 22 d. The consequences and appropriate remedial action for a
3 23 person who violates the antiharassment and antibullying
3 24 policy.

3 25 e. A procedure for reporting an act of harassment or
3 26 bullying, including the identification by job title of the
3 27 school official responsible for ensuring that the policy is
3 28 implemented, and the identification of the person or persons
3 29 responsible for receiving reports of harassment or bullying.

3 30 f. A procedure for the prompt investigation of complaints,
3 31 either identifying the school superintendent or the
3 32 superintendent's designee as the individual responsible for
3 33 conducting the investigation, including a statement that
3 34 investigators will consider the totality of circumstances
3 35 presented in determining whether conduct objectively
4 1 constitutes harassment or bullying under this section.

4 2 g. A statement of the manner in which the policy will be
4 3 publicized.

4 4 4. PROGRAMS ENCOURAGED. The board of directors of a
4 5 school district and the authorities in charge of each
4 6 accredited nonpublic school are encouraged to establish
4 7 programs designed to eliminate harassment and bullying in
4 8 schools. To the extent that funds are available for these
4 9 purposes, school districts and accredited nonpublic schools
4 10 shall do the following:

4 11 a. Provide training on antiharassment and antibullying
4 12 policies to school employees and volunteers who have
4 13 significant contact with students.

4 14 b. Develop a process to provide school employees,
4 15 volunteers, and students with the skills and knowledge to help
4 16 reduce incidents of harassment and bullying.

4 17 5. IMMUNITY. A school employee, volunteer, or student, or
4 18 a student's parent or guardian who promptly, reasonably, and
4 19 in good faith reports an incident of harassment or bullying,
4 20 in compliance with the procedures in the policy adopted
4 21 pursuant to this section, to the appropriate school official
4 22 designated by the school district or accredited nonpublic
4 23 school, shall be immune from civil or criminal liability
4 24 relating to such report and to participation in any
4 25 administrative or judicial proceeding resulting from or
4 26 relating to the report.

4 27 6. COLLECTION REQUIREMENT. The board of directors of a
4 28 school district and the authorities in charge of each
4 29 nonpublic school shall develop and maintain a system to
4 30 collect harassment and bullying incidence data.

4 31 7. INTEGRATION OF POLICY AND REPORTING. The board of
4 32 directors of a school district and the authorities in charge
4 33 of each nonpublic school shall integrate its antiharassment
4 34 and antibullying policy into the comprehensive school
4 35 improvement plan required under section 256.7, subsection 21,
5 1 and shall report data collected under subsection 6, as
5 2 specified by the department, to the local community.

5 3 8. EXISTING REMEDIES NOT AFFECTED. This section shall not
5 4 be construed to preclude a victim from seeking administrative
5 5 or legal remedies under any applicable provision of law.

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JOHN P. KIBBIE
President of the Senate

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PATRICK J. MURPHY

5 15 Speaker of the House
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5 17 I hereby certify that this bill originated in the Senate and
5 18 is known as Senate File 61, Eighty-second General Assembly.
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5 22 MICHAEL E. MARSHALL
5 23 Secretary of the Senate
5 24 Approved _____, 2007
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5 28 CHESTER J. CULVER
5 29 Governor